



U.S. Department of Justice

United States Attorney  
Southern District of New York

The Silvio J. Mollo Building  
One Saint Andrew's Plaza  
New York, New York 10007

December 27, 2019

**BY ECF**

The Honorable Richard J. Sullivan  
United States Circuit Judge  
Second Circuit Court of Appeals  
500 Pearl Street  
New York, New York 10007  
CA02\_RJSChambers@ca2.uscourts.gov

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**Re: *United States v. Wilfredo Sepulveda*, S3 18 Cr. 363 (RJS)**

Dear Judge Sullivan:

The Government writes, pursuant to the Court's November 25, 2019 oral order, to provide an update to the Court regarding restitution and respectfully request additional time to determine the appropriate restitution in the above captioned case.

On November 25, 2019, the Court sentenced the defendant. During sentencing, the Government requested additional time to consider appropriate restitution and the Court requested a status letter no later than December 27, 2019. Since that time, the Government has engaged with defense counsel for certain victims and plans to interview those victims about possible claims of restitution in the coming weeks.

In light of these ongoing efforts, the Government respectfully requests an additional 30 days to consider appropriate restitution and provide a status letter to the Court on January 26, 2020. Pursuant to Title 18, United States Code, Section 3664(d)(5), an order of restitution must be entered no later than 90 days following sentencing. *United States v. Stevens*, 211 F.3d 1, 4 (2d Cir. 2000) ("§ 3664(d)(5) contemplates the entry of the restitution order within the 90-day period . . ."); *but see United States v. Zakhary*, 357 F.3d 186, 191 (2d Cir. 2004) (describing that entry of a restitution order after the 90-day limit is acceptable in certain circumstances). Here, the 90 days will run on February 23, 2020.


For the foregoing reasons, the Government respectfully requests that it be permitted to update the Court about potential restriction no later than January 26, 2020.

IT IS HEREBY ORDERED THAT the deadline by which the government shall submit a letter apprising the Court as to whether it will seek restitution in this case, and the appropriate amount of any restitution, is extended to January 26, 2020.

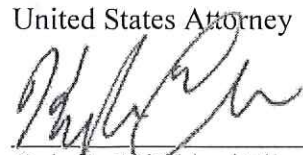
Respectfully submitted,

GEOFFREY S. BERMAN  
United States Attorney

Dated: January 3, 2020  
New York, New York

  
RICHARD J. SULLIVAN  
UNITED STATES CIRCUIT JUDGE  
Sitting by Designation

By:

  
Kyle A. Wirshba / Elinor L. Tarlow  
Assistant United States Attorney  
(212) 637-2591 / 1036